

Town of Epsom  
Planning Board  
9/9/09

**In Attendance:** Dan McGuire, Chairman; Phil Demeritt, Vice Chairman; John Dodge; Sharon Burnston, Alternate; Keith Cota, Selectman's Representative; Betsy Bosiak, Alternate; Deirdre Davis, Alternate

**Not in Attendance:** Norm Gentry; John Keane; Jay Hickey

**Also in Attendance:** Corey Woodward; Russ Bartlett; Vichelle Naugle; Joe Wichert; Marilyn Key

**6:34 PM Administrative Session**

Minutes of 8/26/09 were reviewed. Phil made a motion to approve the minutes as amended. John Dodge seconded the motion. Betsy abstained as she was not in attendance, all others voted in favor.

Dan noted that the Fire Department has required heat detectors to be tied to the main building at Carparts.

Dan said that the public hearing for Sanborn Hill Road tree trimming is scheduled for tonight. Gordon called Dan and said he is not able to be here tonight and asked if we could continue this to our next meeting.

**6:50 PM Corey Woodward / 12 lot subdivision / New Rye Road / U124-10 / Ongoing Difficulties**

Phil said he went to the site and was appalled at the condition of the land. Phil said he would not support reducing the bond for the road. He needs to clean out the culvert, to keep the water from going over it. He feels the logging has destroyed a lot of the land. He doesn't see the need for the logging trucks to go all the way up the land – they should wait at the bottom to be loaded. Betsy agreed with Phil and also noted that the logging/skidder road is very wide. Betsy said she has never seen a big pile of stumps during a logging operation.

Keith feels there was more work being done on the property than just logging – and the logging road does mirror the road layout.

Corey said he is asking for permission to clean up the area. He said he will not begin work on the road.

Keith said as long as he is not working on the building of the road, as the property owner, he is able to go onto his property and make drainage corrections. He also said the 24" culvert is very small and needs to be maintained. He feels it was poor logging operations that caused unstable property, and it is the responsibility of the property owner to stabilize it. Keith suggested he seek some engineering input about whether the 24" culvert is adequate or if the designed 48" culvert is needed.

Corey said that it was an unusually rainy summer, and he feels the 24" culvert is adequate. Keith responded that his design engineers called for a 48" culvert – and though we did have a lot of rain, there were no major storm events during this summer. He said the culvert was inspected by the state. Corey said the state gave him the option to keep the logging operation where it is. If he disturbs the area again, he will be required to put in the 48" permanent culvert; he cannot install a temporary culvert. Phil suggested bringing in a stump chipper to use as erosion control, along with the conservation mix that Rick Belanger suggested at our last meeting.

Phil noted that all operations should be done during reasonable hours – not particularly early in the morning. Phil made a motion to allow Mr. Woodward to continue his cleanup and stabilization of the property, in accordance with NH DES Best Management Practices; also, to continue using the 24" culvert, as long as it is maintained & to restrict the logging trucks to the front of the property. No more pulling of stumps or building of roads. Keith seconded the motion. All in favor.

Dan will leave a note for Jay letting him know that the Cease & Desist can be withdrawn.

**7:30 PM Sanborn Hill Road / Gordon Ellis / Tree Trimming**

Phil made a motion to open the public hearing.

Keith is disappointed that Gordon isn't here tonight & wants to know if he has marked the trees that he intends to cut. Dan said the reason to remove the trees is to help with snow removal on that road. Keith suggested the trees be marked with red ribbons if they are to be removed and blue ribbons if they are to be trimmed.

Keith suggested that although we have followed the RSA in posting the public hearing two times in the newspaper, we should perhaps send a 1<sup>st</sup> class letter to each abutter as well. The consensus of the Planning Board is to request Gordon to mark the trees with red ribbons if they are to be removed, and blue ribbons if they are to be trimmed, and to notify each abutter of the public hearing.

Phil made a motion to continue this public hearing to October 28, 2009 at 6:30 PM.

Keith seconded the motion. All in favor.

**7:42 PM – 7:52 PM Public Hearing (continued) / Towle Farm Estates / 40 Lot Subdivision / Russ Bartlett / R13-36-1 / Goro Road / Off-site improvements**

Phil made a motion to reopen the public hearing. Deirdre seconded the motion. All in favor.

Russ stated the first phase will include the first two lots, and the first cistern which needs to be installed before any C.O.'s are issued.

Russ spoke to the Stewart Yeaton at the Fire Department & he stated the 2<sup>nd</sup> cistern would need to be installed when the road reaches 3000'. Stewart would want Phase 2 and 3 to include homes no farther than 1500' from the first cistern. Russ asked him if he felt he could serve the Phase 2 area with the first cistern, as long as there was an adequate turn around on each leg of the road. Stewart said yes.

Betsy had concerns about the placement of the 2<sup>nd</sup> cistern due to the area of the road.

Phil asked about the road – and where Russ stands on bonding the road. Russ said that bonding the entire road is very difficult and perhaps impossible at this time. He would also be bonding portions of the road that he cannot build on for a number of years. He would like to bond the road as each phase (5 phases) is introduced. He feels that if there is adequate protection to the public for fire/rescue safety, he is hopeful that it would be reasonable to only bond sections of the road as they are phased in. Keith feels it would be ok to bond Phase 1, 2 & 3, but then Phase 4 & 5 would have to be bonded at the same time. Joe asked if they would be able to work on the road in Phase 4 & 5 during the time that Phase 1-3 is being built, as long as the engineer oversees it. They likely will have excess material from Phase 1 – 3 that they'd like to be able to use in

Phase 4 & 5. Keith has concerns with doing this. Joe said they would increase the bond amount once they begin to place material on the road in Phase 4 & 5.

Keith also noted that he has concerns about the turn-around for Phase 2 and would want their engineer to look closely at that.

Betsy noted that the road in Stillwater Development has never been accepted because there are still construction vehicles in that area as the development has not reached final build-out. She wants Mr. Bartlett to be aware that he could be responsible for maintaining this full road until the development is complete and the Town accepts it.

Russ asked what the criteria are to have the road accepted. Betsy explained that the Planning Board could recommend the road be accepted, the BOS could ask the Road Agent for input & then the BOS would make a decision. The Road Agent might not recommend accepting the road until building construction is complete.

Russ is a bit frustrated that he would not be able to build all the homes for a number of years due to the Growth Management Ordinance, yet he would have to maintain the road.

Phil asked about off-site improvements, as Russ thought most of them would be done during Phase 3. Phil thinks there are some things, like signage and lighting, that can should done right away. Russ said he spoke to Bill O'Donnell at the State of NH and there was no time frame given as to when the improvements would need to be done. Dan said he heard from CNHRPC finally today after calling several times and discovered there were only counts for Epsom (in August), there are no traffic counts for Chichester. They cannot do any more counts this year.

Russ asked if the Board would be comfortable with a formal phasing plan of 4 phases. John Dodge, Deirdre, Phil & Betsy would like the entire road to be bonded all at once in the beginning.

Betsy has real concerns with the cross sections. Keith said we can require Mr. Bartlett to dig test pits all along the proposed road.

Keith would entertain a proposal for Phase 1-4 build-out with additional engineering to locate the best placement for the turn-arounds, and the best placement for additional materials.

Dan agrees with Keith.

Sharon stated that if the road is bonded in phases then we run the risk of the road not being completed, and ending up with a Y shaped development with 2 cul-de-sacs. For this reason, she would be in favor of bonding the entire road ahead of time.

There was a discussion about other subdivisions in Epsom that have not ever been completed, and the various bonding agreements. Russ understands the intent of our regulations to protect the town, and understands that we need to follow the regulations, but also noted that the regulations allow for the Planning Board to take considerations. Joe said that if road construction were to stop at the end of the two legs (the Y). He feels the development would be substantially completed & someone would buy the project & complete the road.

Sharon's opinion is that there are plenty of emergencies that could take place and with only one ingress/egress to this development, she has safety concerns. If a tornado

closed the entrance to the Boulevard at the entrance of the development, everyone in the development would be trapped.

Keith noted that our engineer has reviewed this plan and has said that the one ingress/egress meets our criteria. If the Board doesn't agree with this type of development, then the regulations need to be changed.

Russ said he doesn't believe our regulations say the road has to be bonded A-Z in the beginning. Phil reiterated that the bonding is done for the protection of the Town. Keith noted an area about Phasing in the Construction (Section 6.2) which notes the phasing requirements, which are to be approved by the Planning Board and then recommended to the BOS for approval. The bonding requirements (Section 7.1) are to be set by the Planning Board and must include all required improvements within the development. Keith noted that these are Planning Board rules and this Board has the ability to waive them. Section 4.3.9 General Requirements allows the Planning Board to require phasing.

Russ said the rough road estimates are \$1.6 – \$2 Million. The bond costs 5% - 100% per year; which is \$100K - \$200K per year. He said because the phasing would take place over a number of years, it would create issues with the bonding companies. Russ would like to continue this to a later date to give him time to review the Subdivision Regulations and reconsider his phasing and bonding plan.

Phil made a motion to continue to October 14. John Dodge seconded the motion. All in favor.

Vichelle Naugle noted after Mr. Bartlett had left that they are logging on Sundays and would request that it is only done during the week. Dan will contact Mr. Bartlett with this request.

#### **9:45 PM Old/New Business**

Dan has the Mylar for Wolverine Management that corrects the lot line question between their property & the Concord Hospital property. The plan has been signed by everyone except the Planning Board. Phil said that the plan should be shown to the Fire Department, to be sure the access issues are resolved. This plan doesn't show the buildings. Keith suggested the Concord Hospital come to this board and show where the building is and be sure that all set back requirements are being met, and if they aren't, then the proper avenues are followed to correct it (ZBA). Betsy also noted that this plan is very busy & the Registry doesn't like plans with this much stuff on it!

**10:00 PM** Phil made a motion to adjourn. Betsy seconded the motion. All in favor.